

MICHAEL A. JACOBS (CA SBN 111664)  
 MJacobs@mofo.com  
 MATTHEW A. CHIVVIS (CA SBN 251325)  
 MChivvis@mofo.com  
 DIEK O. VAN NORT (CA SBN 273823)  
 DVanNort@mofo.com  
 MORRISON & FOERSTER LLP  
 425 Market Street  
 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 Facsimile: (415) 268-7522

RUDY Y. KIM (CA SBN 99426)  
 RudyKim@mofo.com  
 MORRISON & FOERSTER LLP  
 755 Page Mill Road  
 Palo Alto, California 94304-1018  
 Telephone: (650) 813-5600  
 Facsimile: (650) 494-0792

Attorneys for Defendant  
 PALO ALTO NETWORKS, INC.

ROSE S. LEE (CA SBN 294658)  
 RoseLee@mofo.com  
 MORRISON & FOERSTER LLP  
 707 Wilshire Boulevard, Suite 6000  
 Los Angeles, California 90017-3543  
 Telephone: (213) 892-5200  
 Facsimile: (213) 892-5454

KYLE W.K. MOONEY (*Pro Hac Vice*)  
 KMooney@mofo.com  
 ERIC W. LIN (*Pro Hac Vice*)  
 ELin@mofo.com  
 MICHAEL J. DESTEFANO (*Pro Hac Vice*)  
 MDeStefano@mofo.com  
 MORRISON & FOERSTER LLP  
 250 West 55th Street  
 New York, New York 10019-9601  
 Telephone: (212) 468-8000  
 Facsimile: (212) 468-7900

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

FINJAN LLC,  
  
 Plaintiff,  
  
 v.  
  
 PALO ALTO NETWORKS, INC.,  
  
 Defendant.

Case No. 3:14-CV-04908-JD

**DEFENDANT PALO ALTO  
 NETWORKS, INC.'S  
 STATEMENT REGARDING  
 PLAINTIFF FINJAN LLC'S  
 ADMINISTRATIVE MOTION TO  
 FILE UNDER SEAL (DKT NO.  
 178)**

Courtroom: 11, 19<sup>th</sup> Floor  
 Judge: Honorable James Donato

Pursuant to Civil Local Rule 79-5(f)(3) and Judge Donato’s Standing Order for Civil Cases ¶¶ 29-31, Defendant Palo Alto Networks, Inc. (“PAN”) submits this statement regarding Plaintiff Finjan LLC’s (“Finjan”) Administrative Motion to File Under Seal,<sup>1</sup> filed on January 13, 2022. (*See* Dkt. No. 178.)

Finjan seeks to seal the entirety of Exhibits Q and U to Finjan’s Opposition to PAN’s Motion for Leave to Amend Its Invalidity Contentions (“Opposition”). (*Id.*) Exhibits Q and U are invalidity claim charts that PAN served on October 6, 2021; together they contain over 1200 pages. (*See* Dkt. No. 178-3; Dkt. No. 178-5.) Finjan’s Opposition cites to 16 pages in total from the two Exhibits: twelve pages from Exhibit Q and four pages from Exhibit U. (Dkt. No. 179 at 7, 8, 12.)

In view of both Judge Hamilton’s and Judge Donato’s previous orders requiring the parties to “streamline their further filings for the purpose of judicial economy” (Dkt. No. 146 at 4; *see* Dkt. No. 177),<sup>2</sup> PAN requests that the Court consider only the pages of Exhibits Q and U that Finjan specifically cites to and relies on in its Opposition—instead of Exhibits Q and U in their entirety.

While the entirety of Exhibits Q and U do contain third-party confidential information, the specific pages that Finjan cites to and relies on do not. They therefore do not need to be sealed and can be filed publicly. Finjan’s Opposition confirms this. The only time that Finjan mentions Exhibits Q and U in its Opposition are alleged examples of PAN’s invalidity claim charts containing “printed publications” that Finjan previously produced as public. (Dkt. No. 179 at 7, 8, 12.)

---

<sup>1</sup> Finjan appears to have incorrectly styled its Administrative Motion. Under Civil Local Rule 79-5(f) (effective November 1, 2021), “[f]or any document a party (‘Filing Party’) seeks to seal because that document has been designated as confidential by another party or non-party (the ‘Designating Party’), the Filing Party must, instead of filing an Administrative Motion to File Under Seal, file an Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed.”

<sup>2</sup> Judge Hamilton previously stated that “the court neither has the time nor the inclination to read” Finjan’s “over 2,000 pages of exhibits[.]” (Dkt. No. 146 at 4.) Judge Donato has similarly advised the parties that filings “should not require review of hundreds of pages of exhibits.” (Dkt. No. 177.)

1 Accordingly, PAN requests that the Court consider and publicly file the attached  
2 excerpted copies of Exhibits Q and U that contain only the pages that Finjan specifically cites to  
3 and relies on in its Opposition—instead of Exhibits Q and U in their entirety. Because the  
4 excerpted copies do not contain any confidential information, PAN additionally requests that  
5 Finjan’s Administrative Motion to File Under Seal (Dkt. No. 178) be terminated without  
6 prejudice.

7  
8 Dated: January 20, 2022

MORRISON & FOERSTER LLP

9  
10  
11 By: /s/ Diek O. Van Nort  
Diek O. Van Nort

12 Attorneys for Defendant  
13 PALO ALTO NETWORKS, INC.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28